

benjoeperezcruzdismiss

**FILED**  
**DISTRICT COURT OF GUAM**

OCT 16 2007

**JEANNE G. QUINATA**  
**Clerk of Court**

1 LEONARDO M. RAPADAS  
2 United States Attorney  
3 RYAN M. ANDERSON  
4 Special Assistant U.S. Attorney  
5 Suite 500, Sirena Plaza  
108 Hernan Cortez Ave.  
Hagåtña, Guam 96910  
PHONE: 472-7332  
FAX: 472-7334

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 07-00071  
Plaintiff, )  
vs. ) MOTION TO DISMISS  
BEN JOE PEREZ CRUZ, ) THE INDICTMENT  
Defendant. )

COMES NOW the plaintiff, United States of America, by and through its undersigned attorney, and moves that the Indictment in the above cause against defendant, BEN JOE PEREZ CRUZ, be dismissed with prejudice, because of an inability to establish a *prima facie* case beyond a reasonable doubt based on newly discovered evidence.

Respectfully submitted this 16th day of October 2007.

LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

By:

RYAN M. ANDERSON  
Special Assistant U.S. Attorney

ORIGINAL